

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PCT

App. No. : 10/591,147

Confirmation No. 6163

Applicant : Ryoichi IMANAKA et al.

Filed : August 30, 2006

TC/A.U. : 1645

Examiner : Unknown

Dkt. No. : TAM-066

Cust. No. : 20374

**RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 21, 2007

Sir:

Paper Copy, Amendment, CRF and Statement for Sequence Listing

(Not Required)

In response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide And/or Amino Acid Sequence Disclosures dated November 13, 2007, applicants note that the Notification was issued improperly.

The present application does not contain a nucleotide and/or amino acid sequence disclosure. Therefore, the sequence rules set forth in 37 C.F.R. 1.821 through 1.825 do not apply to the subject application. The present application does not require a separate paper copy of a sequence listing, an amendment to the specification

entering the sequence, a CRF of a sequence or a statement to the identity of the paper copy and CRF.

It is unclear what the Office considers to be a sequence disclosure in the subject application. In a description of Fig. 12 on page 31 and page 35 of the specification of the present application, two oligonucleotides each containing four nucleotides are identified. However, these oligonucleotides do not form a "sequence disclosure" within the meaning of 37 C.F.R. 1.821(a) which interprets a "sequence disclosure" to mean an unbranched sequence of 10 or more nucleotides. If the Office considers the identification of such oligonucleotides in the present application to require compliance with the sequence rules, this position is incorrect.

Conclusion

As stated above, the subject application does not contain a sequence disclosure which requires compliance with 37 C.F.R. 1.821 through 1.825. All of the requirements for acceptance under 35 U.S.C. §371 were satisfied prior to issuance of the Notification on November 13, 2007. Applicants request that the Notification be withdrawn and that the office issue a notice advising that the requirements for acceptance under 35 U.S.C. §371 were completed on August 30, 2006.

All 371 requirements were completed on August 30, 2006. Therefore, the Office should assign a 371(c) date of August 30, 2006. It is improper for the Office to assign a 371(c) date other than August 30, 2006, e.g., the date of filing of the present paper.

A Filing Receipt is also respectfully requested for this application.

U.S. Patent Appln. S.N. 10/591,147
RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION TO COMPLY WITH SEQUENCE RULES

PATENT

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833. Please charge any additional required fees or credit any overpayment to our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK

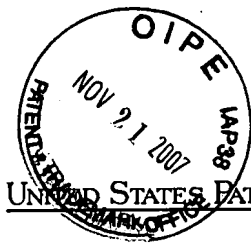


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Enclosures: Copy of Notification of Comply

Chw

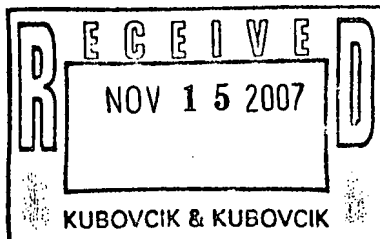


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U.S. APPLICATION NUMBER NO. 10/591,147	FIRST NAMED APPLICANT Ryoichi Imanaka	ATTY. DOCKET NO. TAM-066
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20374
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CONFIRMATION NO. 6163
371 FORMALITIES LETTER



Date Mailed: 11/13/2007

042: 2/13/08

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.

DOCKETED BY: <i>09/180</i>
DATE: <i>11/15/07</i>



• **Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

KAREN R MCLEAN

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